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TAGS: SHUM

SUBJECT: HUMAN RIGHTS REPORTING TO CONGRESS

- -

REF: BINNS-SHUMATE TELCON

FOLLOWING IS TEXT OF UK SECTION HUMAN RIGHTS REPORT AS
TRANSMITTED TO CONGRESS: BEGIN TEXT:

I. POLITICAL SITUATION THE UNITED KINGDOM, A MEMBER OF
NATO AND THE EEC, IS A CONSTITUTIONAL MONARCHY AND ENJOYS A
LONG AND WELL-ESTABLISHED HISTORY OF ORDERLY AND DEMOCRATIC
POLITICAL LIFE. TERRORISM AND CIVIL UNREST IN NORTHERN
IRELAND HAVE, HOWEVER, PRESENTED SERIOUS POLITICAL PROBLEMS
IN RECENT YEARS. --

II. LEGAL SITUATION THE UNITED KINGDOM HAS A STRONG
TRADITION OF CONSTITUTIONAL AND COMMON LAW AS A BASIS FOR
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THE PROTECTION OF INDIVIDUAL RIGHTS. IT ALSO HAS A VIGOROUS
AND INDEPENDENT JUDICIAL SYSTEM. THE ABSENCE OF A WRITTEN
CONSTITUTION AND THE DOCTRINE OF PARLIAMENTARY SOVEREIGNTY,
NEVERTHELESS, MEAN THAT INDIVIDUAL RIGHTS MAY BE TEMPORARILY
ABRIDGED OR SUSPENDED BY ACT OF PARLIAMENT.

THERE ARE CURRENTLY TWO ACTS WHICH RESTRICT INDIVIDUAL

RIGHTS: THE PREVENTION OF TERRORISM ACT (AMENDED) OF 1975 AND THE NORTHERN IRELAND EMERGENCY PROVISIONS ACT OF 1973. BOTH MUST BE EXTENDED EVERY SIX MONTHS, OR THEY EXPIRE.

THE PREVENTION OF TERRORISM ACT (AMENDED) OF 1975 WAS ENACTED IN RESPONSE TO A SERIES OF IRA TERRORIST BOMBINGS IN THE UK. THIS ACT EMPOWERS: THE HOME SECRETARY TO EXTEND THE TIME A SUSPECTED TERRORIST MAY BE HELD WITHOUT ARRAIGNMENT FROM 1 TO 6 DAYS; AND IMMIGRATION OFFICIALS REFUSE ENTRY INTO THE UK TO IRISH (REPUBLIC OR NORTHERN IRELAND) NATIONALS WHO ARE SUSPECTED OF TERRORIST INVOLVEMENT (IRISH NATIONALS ARE NORMALLY ALLOWED TO ENTER THE UK AS IF THEY WERE UK CITIZENS). IT DOES NOT APPLY IN NORTHERN IRELAND.

THE NORTHERN IRELAND EMERGENCY PROVISIONS ACT, 1973, WAS DESIGNED TO PROTECT THE COMMUNITY AGAINST RANDOM TERRORISM, PARTICULARLY SECTARIAN ASSASSINATION AND BOMBINGS, AND TO REDUCE THE EFFECTIVENESS OF INTIMIDATION AS A MEANS TO PREVENT PROSECUTION OF TERRORISTS. THE MAJOR PROVISIONS OF THE ACT EMPOWER: THE POLICE TO ARREST SUSPECTED TERRORISTS WITHOUT WARRANT AND TO HOLD SUSPECTS UP TO 72 HOURS WITHOUT ARRAIGNMENT; THE SECRETARY OF STATE FOR NORTHERN IRELAND TO ORDER THE DETENTION OF SUSPECTED TERRORISTS FOR AN INDEFINITE PERIOD RATHER THAN INITIATE CRIMINAL PROCEDURES AND PROVIDES A QUASI-JUDICIAL APPEAL PROCESS FOR THOSE SO DETAINED; THE SECRETARY OF STATE TO RELEASE AND RECALL PERSONS SO DETAINED; AND THE COURTS, UNDER CERTAIN CONDITIONS, TO TRY ACCUSED TERRORISTS WITHOUT EMPANELING A JURY. LIMITED OFFICIAL USE

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THE ACT APPLIES ONLY IN NORTHERN IRELAND.

III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

THE APPLICATION OF THE TEMPORARY EMERGENCY PROVISIONS DESCRIBED ABOVE IS SCRUPULOUSLY CONTROLLED AND CLOSELY WATCHED BY THE MEMBERS OF PARLIAMENT AND A FREE PRESS. THE INTEGRITY OF THE PERSON AND INDIVIDUAL RIGHTS AND FUNDAMENTAL FREEDOMS ARE SECURELY GUARANTEED AND WELL PROTECTED.

IV. OTHER HUMAN RIGHTS REPORTING ON SEPTEMBER 2, 1976, THE EUROPEAN HUMAN RIGHTS COMMISSION MADE PUBLIC ITS REPORT ON THE CASE BROUGHT IN 1971 AGAINST THE BRITISH GOVERNMENT BY THE IRISH GOVERNMENT CONCERNING ALLEGED INFRINGEMENT OF CERTAIN HUMAN RIGHTS IN NORTHERN IRELAND. THE COMMISSION UNANIMOUSLY FOUND: (1) THAT VARIOUS MEASURES INVOLVING DEPRIVATION OF LIBERTY DID NOT VIOLATE THE EUROPEAN HUMAN RIGHTS CONVENTION SINCE THEY DID NOT EXCEED STRICT REQUIREMENTS OF "PUBLIC EMERGENCY" EXISTING IN NORTHERN

IRELAND; (2) THAT THESE MEASURES WERE NOT APPLIED IN A DISCRIMINATORY WAY, BUT (3) THAT FIVE INTERROGATION TECHNIQUES USED BY BRITISH SECURITY FORCES ON 14 PERSONS IN AUGUST AND OCTOBER, 1971, CONSTITUTED A BREACH OF ARTICLE 3 OF THE CONVENTION WHICH FORBIDS TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT. THE COMMISSION NOTED THAT THESE TECHNIQUES HAVE BEEN ABANDONED. THE BRITISH GOVERNMENT PUBLICLY ACKNOWLEDGED USING THE OFFENDING PRACTICES BUT STATED THAT THEY WERE UNILATERALLY STOPPED OVER FOUR YEARS AGO, AND THAT COMPENSATION WAS AWARDED TO THE VICTIMS. THE CASE HAS BEEN REFERRED TO THE EUROPEAN COURT OF HUMAN RIGHTS AND PUBLIC HEARINGS BEGIN IN JANUARY, 1977. THE COMMISSION'S REPORT IS THEREFORE A STATEMENT FOR USE BY THE COURT, NOT A JUDGMENT.

FREEDOM HOUSE LISTS BRITAIN AS "FREE."
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